IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14437 of 2004

Between:

Sanapathi Adinarayana, S/o Tata Rao,
R/o Ramayyapeta, Kirlampudi (V) & (M), East Godavari District

..... PETITIONER

AND

1 The Superintendent of Police, East Godavari District, Kakinada
2 Sub-Inspector of Police, Kirlampudi
3 Dy.Superintendent of Police & Sub-Divisional Police Officer, Peddapuram, East Godavari District
4 Sub Divisional Magistrate and Revenue Divisional Officer, Peddapuram
5 Dadi Chinna @ Vara Prasad, S/o Chivajee,
R/o Jagapathinagaram Village, Kirlampudi Mandal, East Godavari District
6 Arava Ramulu, S/o Butchiraju,
R/o Jagapathinagaram Village, Kirlampudi Mandal, East Godavari District
7 Dadi Kasi, S/o Bhaskara Rao,
Kirlampudi Village & Mandal, East Godavari District
8 Aradyula Srinivas, S/o Veerabhadra Sarma,
R/o Chillangi Village, Kirlampudi Mandal, East Godavari District
9 Kurla Somaraju, S/o Kasirao,
R/o Kirlampudi Village & Mandal, East Godavari District
10 Karri Chinna, S/o Surya Rao,
R/o Ramanayyapeta, Kirlampudi (V) & (M), East Godavari District
11 Mutyam Srinu, S/o Ramulu,
R/o Velanka Village, Kirlampudi Mandal,
East Godavari District
12 Sarsi Babji, S/o Simhachalam,
R/o Kirlampudi Village and Mandal, East Godavari District
13 Chadaram Govindarao @ Chinna, S/o Surya Rao,
Jagapathinagaram Village, Kirlampudi Mandal, East Godavari District

14 Sanapathi Nageswararao,
R/o Ramanayyapeta, Kirlampudi Village & Mandal,
East Godavari District
15 Kotta Veerraju, S/o Abbulu,
R/o Kirlampudi Village and Mandal, East Godavari District
16 Moka Chandra Rao, S/o Tatayya,
R/o Munsabugari Veedhi, Kirlampudi Village and Mandal,
East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondents 1 to 4 herein in not taking any action against the respondents 5 to 16 in spite off the various complaints given by the petitioner dated 5-12-2003 10-12-2003 and 2-7-2004 as highly illegal, arbitrary and violative of principles of natural justice and with a consequential direction to forthwith direct the respondents 1 to 4 herein to enquire into the various complaints of the petitioner and take appropriate action to dislodge the respondents 5 to 16.

Counsel for the Petitioner : MR. V.RAJAGOPAL REDDY

Counsel for the Respondents 1 to 4: GP FOR HOME

Counsel for the Respondents 5 to 16: None appeared

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.14437 OF 2004

-

ORAL ORDER :

The petitioner seeks a Writ of Mandamus declaring the alleged action of the respondents 1 to 4 in not taking any action against the respondents 5 to 16 in spite of various complaints given by the petitioner dated 5-12-2003, 10-12-2003 an 02-02-2004 as arbitrary and illegal.

On behalf of the respondents 1 to 3, the Assistant Sub-Inspector of Police, Kirlampudi Police Station, E.G. District filed a counter-affidavit dated 09-09-2004 denying the allegations made by the petitioner and stating that pursuant to the compliant made by the petitioner addressed to the District Collector, E.G. District, marking copies thereof to the various authorities including the respondents 1 and 2, the matter was taken up by the Sub-Divisional Magistrate and Revenue Divisional Officer, Peddapuram vide his Ref.C.1601/04 and notices were issued under Section 107 of Cr.P.C. and the enquiry before the said authority is pending as on today. Apart from that, basing on the complaints filed by the petitioner before the police authorities, including the 1st respondent herein, necessary enquiries were caused and the allegations were found to be false and baseless. There is no danger to the life of the petitioner and his family members at the hands of the respondents 5 to 16 herein. There are civil disputes between the petitioner and the members of his family and others and owing to the same, the petitioner has been making false complaints against the respondents 5 to 16 herein and others, before the various authorities, including the respondents 1 to 3 herein.

The petitioner did not choose to file any reply affidavit disputing the version of the respondents.

In the light of the unrebutted averments in the counter-affidavit, the alleged inaction on the part of the respondents 1 to 3 cannot be accepted.

Accordingly, recording the statement of the respondents 1 to 3 in their counter-affidavit, the Writ Petition is closed. No costs.

_____

03rd November, 2004.

Gbs

To

1 The Superintendent of Police, East Godavari District, Kakinada
2 The Sub-Inspector of Police, Kirlampudi
3 The Dy.Superintendent of Police & Sub-Divisional Police Officer, Peddapuram, East Godavari District
4 The Sub Divisional Magistrate and Revenue Divisional Officer, Peddapuram
5.2CCs to G.P. for Home, High Court of AP Bldgs, Hyderabad (OUT)

6.2CD copies